

-2-

RECEIVED  
CENTRAL FAX CENTER

JAN 10 2007

**Amendments to the Claims:**

This listing of claims will replace all prior versions of the claims in this application:

**Listing of Claims:**

**Claim 1 (original):** A method for determining the volume of fluid in the peritoneal cavity of a subject comprising:

- (a) placing measuring electrodes  $M_{LL}$  and  $M_{RL}$  on the loins of the subject,  $M_{LL}$  being placed on the left loin and  $M_{RL}$  being placed on the right loin,  $M_{LL}$  and  $M_{RL}$  defining a loin plane;
- (b) placing measuring electrodes  $M_{LB}$  and  $M_{RB}$  on the buttocks of the subject,  $M_{LB}$  being placed on the left buttock and  $M_{RB}$  being placed on the right buttock,  $M_{LB}$  and  $M_{RB}$  defining a buttock plane;
- (c) placing upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  on the subject,  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$  and  $I_{RU}$  being outboard of measuring electrode  $M_{RL}$ ;
- (d) placing lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  on the subject,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ ;
- (e) connecting upper current-providing electrode  $I_{LU}$  to upper current-providing electrode  $I_{RU}$ ;
- (f) connecting lower current-providing electrode  $I_{LL}$  to lower current-providing electrode  $I_{RL}$ ;
- (g) applying current  $I$  between the connected upper current-providing electrodes and the connected lower current-providing electrodes;
- (h) measuring the voltage  $\Phi_L$  between  $M_{LL}$  and  $M_{LB}$  while current  $I$  is applied;

-3-

- (i) measuring the voltage  $\Phi_R$  between  $M_{RL}$  and  $M_{RB}$  while current  $I$  is applied; and
- (j) determining the volume  $V$  of fluid in the peritoneal cavity based on the equation:

$$V = (K_p/\sigma) \cdot (L_p^2/R)$$

where:

- (1)  $K_p$  is a subject-specific calibration constant;
- (2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;
- (3)  $L_p$  is the distance between the loin plane and the buttock plane; and
- (4)  $R$  is the average of  $R_L$  and  $R_R$ , where

$$R_L = \Phi_L/I, \text{ and}$$

$$R_R = \Phi_R/I.$$

**Claim 2 (original):** The method of Claim 1 wherein  $K_p$  is determined by:

- (i) performing steps (g), (h), and (i) before the introduction of a predetermined volume  $V_C$  of dialysis fluid into the subject's peritoneal cavity to obtain  $\Phi_{LB}$  and  $\Phi_{RB}$ , said dialysis fluid having a conductivity  $\sigma_C$ ;
- (ii) performing steps (g), (h), and (i) after the introduction of a predetermined volume  $V_C$  of dialysis fluid into the subject's peritoneal cavity to obtain  $\Phi_{LA}$  and  $\Phi_{RA}$ ; and
- (iii) determining  $K_p$  from the equation:

$$K_p = (\sigma_C) \cdot (V_C/L_p)^2 \cdot (R_B R_A) / (R_B - R_A)$$

where

$$R_B = (\Phi_{LB} + \Phi_{RB}) / (2I), \text{ and}$$

$$R_A = (\Phi_{LA} + \Phi_{RA}) / (2I).$$

**Claim 3 (original):** The method of Claim 2 where  $V_C$  is at least one liter.

-4-

**Claim 4 (original):** The method of Claim 1 wherein  $K_P$  is determined by:

- (i) introducing dialysis fluid into the subject's peritoneal cavity;
- (ii) performing steps (g), (h), and (i) to obtain  $\Phi_{LB}$  and  $\Phi_{RB}$ ;
- (iii) removing fluid from the subject's peritoneal cavity;
- (iv) performing steps (g), (h), and (i) to obtain  $\Phi_{LA}$  and  $\Phi_{RA}$ ; and
- (v) determining  $K_P$  from the equation:

$$K_P = (\sigma_C) \bullet (V_C/L_P)^2 \bullet (R_B R_A)/(R_A - R_B)$$

where

$$R_B = (\Phi_{LB} + \Phi_{RB})/(2I),$$

$$R_A = (\Phi_{LA} + \Phi_{RA})/(2I), \text{ and}$$

$V_C$  and  $\sigma_C$  are, respectively, the volume and conductivity of the fluid removed in step (iii).

**Claim 5 (original):** The method of Claim 4 where  $V_C$  is at least one liter.

**Claim 6 (original):** The method of Claim 1 wherein the current I is alternating current having a frequency in the range from about 5 kilohertz to about 500 kilohertz.

**Claim 7 (original):** The method of Claim 6 wherein the current I has a frequency of about 5 kilohertz.

**Claim 8 (original):** The method of Claim 1 wherein the upper current-providing electrodes are placed on the subject's hands and the lower current-providing electrodes are placed on the subject's feet.

**Claim 9 (original):** The method of Claim 1 wherein the upper current-providing electrodes are placed on the subject's trunk and the lower current-providing electrodes are placed on the subject's thighs.

-5-

**Claim 10 (original):** The method of Claim 1 wherein the upper current-providing electrodes and the measuring electrodes M<sub>LL</sub> and M<sub>RL</sub> are carried by a common support which is placed on the subject's trunk.

**Claim 11 (original):** The method of Claim 1 wherein the lower current-providing electrode I<sub>LL</sub> and the measuring electrode M<sub>LB</sub> are carried by a first common support which is placed at least in part on the subject's left leg and the lower current-providing electrode I<sub>RL</sub> and the measuring electrode M<sub>RB</sub> are carried by a second common support which is placed at least in part on the subject's right leg.

**Claim 12 (previously presented):** A method of controlling a peritoneal dialysis procedure comprising:

- (A) continuously flowing dialysis fluid through a subject's peritoneal cavity;
- (B) determining the volume of fluid in the peritoneal cavity while step (A) is being performed by a bioimpedance measurement directed at the peritoneal cavity; and
- (C) controlling step (A) based on the volume of fluid in the peritoneal cavity determined in step (B).

**Claim 13 (original):** The method of Claim 12 wherein step (B) is performed by:

- (a) placing measuring electrodes M<sub>LL</sub> and M<sub>RL</sub> on the loins of the subject, M<sub>LL</sub> being placed on the left loin and M<sub>RL</sub> being placed on the right loin, M<sub>LL</sub> and M<sub>RL</sub> defining a loin plane;
- (b) placing measuring electrodes M<sub>LB</sub> and M<sub>RB</sub> on the buttocks of the subject, M<sub>LB</sub> being placed on the left buttock and M<sub>RB</sub> being placed on the right buttock, M<sub>LB</sub> and M<sub>RB</sub> defining a buttock plane;
- (c) placing upper current-providing electrodes I<sub>LU</sub> and I<sub>RU</sub> on the subject, I<sub>LU</sub> being outboard of measuring electrode M<sub>LL</sub> and I<sub>RU</sub> being outboard of measuring electrode M<sub>RL</sub>;

-6-

- (d) placing lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  on the subject,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ ;
- (e) connecting upper current-providing electrode  $I_{LU}$  to upper current-providing electrode  $I_{RU}$ ;
- (f) connecting lower current-providing electrode  $I_{LL}$  to lower current-providing electrode  $I_{RL}$ ;
- (g) applying current  $I$  between the connected upper current-providing electrodes and the connected lower current-providing electrodes;
- (h) measuring the voltage  $\Phi_L$  between  $M_{LL}$  and  $M_{LB}$  while current  $I$  is applied;
- (i) measuring the voltage  $\Phi_R$  between  $M_{RL}$  and  $M_{RB}$  while current  $I$  is applied; and
- (j) determining the volume  $V$  of fluid in the peritoneal cavity based on the equation:

$$V = (K_p/\sigma) \cdot (L_p^2/R)$$

where:

- (1)  $K_p$  is a subject specific calibration constant;
- (2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;
- (3)  $L_p$  is the distance between the loin plane and the buttock plane; and
- (4)  $R$  is the average of  $R_L$  and  $R_R$ , where

$$R_L = \Phi_L/I, \text{ and}$$

$$R_R = \Phi_R/I.$$

**Claim 14 (original):** The method of Claim 12 where the rate of flow of dialysis fluid into, out of, or both into and out of the peritoneal cavity is controlled in step (C).

-7-

**Claim 15 (original):** The method of Claim 12 where the composition of the dialysis fluid is controlled in step (C).

**Claim 16 (original):** The method of Claim 12 including the additional step of determining the conductivity of dialysis fluid removed from the subject while step (A) is being performed.

**Claim 17 (previously presented):** The method of Claim 12 wherein in step (A), the continuous flowing of dialysis fluid through the subject's peritoneal cavity is performed for a period of at least three hours and step (B) is performed at least at regular intervals throughout said period.

**Claim 18 (original):** The method of Claim 17 wherein step (B) is performed substantially continuously throughout said period.

**Claim 19 (previously presented):** The method of Claim 12 wherein in step (A), the continuous flowing of dialysis fluid through the subject's peritoneal cavity is performed for a period of at least six hours and step (B) is performed at least at regular intervals throughout said period.

**Claim 20 (original):** The method of Claim 19 wherein step (B) is performed substantially continuously throughout said period.

**Claim 21 (original):** Apparatus for determining the volume of fluid in the peritoneal cavity of a subject comprising:

(a) measuring electrodes  $M_{LL}$  and  $M_{RL}$  for placement on the loins of the subject,  $M_{LL}$  to be placed on the left loin and  $M_{RL}$  to be placed on the right loin such that, when so placed,  $M_{LL}$  and  $M_{RL}$  define a loin plane;

-8-

- (b) measuring electrodes  $M_{LB}$  and  $M_{RB}$  for placement on the buttocks of the subject,  $M_{LB}$  to be placed on the left buttock and  $M_{RB}$  to be placed on the right buttock such that, when so placed,  $M_{LB}$  and  $M_{RB}$  define a buttock plane;
- (c) upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  for placement on the subject;
- (d) lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  for placement on the subject;
- (e) means for connecting upper current-providing electrode  $I_{LU}$  to upper current-providing electrode  $I_{RU}$ ;
- (f) means for connecting lower current-providing electrode  $I_{LL}$  to lower current-providing electrode  $I_{RL}$ ;
- (g) means for applying a current  $I$  between the connected upper current-providing electrodes and the connected lower current-providing electrodes;
- (h) means for measuring the voltage  $\Phi_L$  between  $M_{LL}$  and  $M_{LB}$  while current  $I$  is applied;
- (i) means for measuring the voltage  $\Phi_R$  between  $M_{RL}$  and  $M_{RB}$  while current  $I$  is applied; and
- (j) means for determining the volume  $V$  of fluid in the peritoneal cavity based on the equation:

$$V = (K_p/\sigma) \bullet (L_p^2/R)$$

where:

- (1)  $K_p$  is a subject-specific calibration constant;
- (2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;
- (3)  $L_p$  is the distance between the loin plane and the buttock plane; and
- (4)  $R$  is the average of  $R_L$  and  $R_R$ , where

$$R_L = \Phi_L/I, \text{ and}$$

$$R_R = \Phi_R/I.$$

-9-

**Claim 22 (original):** The apparatus of Claim 21 further comprising means for determining  $K_P$ , said means comprising:

- (i) means for determining the voltage  $\Phi_{LB}$  between  $M_{LL}$  and  $M_{LB}$  and the voltage  $\Phi_{RB}$  between  $M_{RL}$  and  $M_{RB}$  while current I is applied, said determination being made before the introduction of a predetermined volume  $V_C$  of dialysis fluid into the subject's peritoneal cavity, said dialysis fluid having a conductivity  $\sigma_C$ ;
- (ii) means for determining the voltage  $\Phi_{LA}$  between  $M_{LL}$  and  $M_{LB}$  and the voltage  $\Phi_{RA}$  between  $M_{RL}$  and  $M_{RB}$  while current I is applied, said determination being made after the introduction of a predetermined volume  $V_C$  of dialysis fluid into the subject's peritoneal cavity; and
- (iii) means for determining  $K_P$  from the equation:

$$K_P = (\sigma_C) \bullet (V_C / L_P^2) \bullet (R_B R_A) / (R_B - R_A)$$

where

$$R_B = (\Phi_{LB} + \Phi_{RB}) / (2I), \text{ and}$$

$$R_A = (\Phi_{LA} + \Phi_{RA}) / (2I).$$

**Claim 23 (original):** The apparatus of Claim 21 further comprising means for determining  $K_P$ , said means comprising:

- (i) means for introducing dialysis fluid into the subject's peritoneal cavity;
- (ii) means for determining the voltage  $\Phi_{LB}$  between  $M_{LL}$  and  $M_{LB}$  and the voltage  $\Phi_{RB}$  between  $M_{RL}$  and  $M_{RB}$  while current I is applied, said determination being made before removal of fluid from the subject's peritoneal cavity;
- (iii) means for removing fluid from the subject's peritoneal cavity;
- (iv) means for measuring the volume  $V_C$  of fluid removed from the subject's peritoneal cavity;
- (v) means for determining the voltage  $\Phi_{LA}$  between  $M_{LL}$  and  $M_{LB}$  and the voltage  $\Phi_{RA}$  between  $M_{RL}$  and  $M_{RB}$  while current I is applied, said determination being

-10-

made after the removal of the volume  $V_C$  of fluid from the subject's peritoneal cavity; and

(vi) means for determining  $K_P$  from the equation:

$$K_P = (\sigma_C) \bullet (V_C / L_P^2) \bullet (R_B R_A) / (R_A - R_B)$$

where

$$R_B = (\Phi_{LB} + \Phi_{RB}) / (2I),$$

$$R_A = (\Phi_{LA} + \Phi_{RA}) / (2I), \text{ and}$$

$\sigma_C$  is the conductivity of the fluid removed from the subject's peritoneal cavity.

**Claim 24 (original):** The apparatus of Claim 21 wherein the current I is alternating current having a frequency in the range from about 5 kilohertz to about 500 kilohertz.

**Claim 25 (original):** The apparatus of Claim 24 wherein the current I has a frequency of about 5 kilohertz.

**Claim 26 (original):** The apparatus of Claim 21 further comprising a support for carrying the upper current-providing electrodes and the measuring electrodes  $M_{LL}$  and  $M_{RL}$ .

**Claim 27 (original):** The apparatus of Claim 21 further comprising a first support for carrying the lower current-providing electrode  $I_{LL}$  and the measuring electrode  $M_{LB}$  and a second support for carrying the lower current-providing electrode  $I_{RL}$  and the measuring electrode  $M_{RB}$ .

**Claim 28 (original):** Apparatus for performing a peritoneal dialysis procedure comprising:

-11-

- (A) first means for continuously flowing dialysis fluid through a subject's peritoneal cavity, said flowing of dialysis fluid being capable of causing the accumulation of ultrafiltrate from the subject in the peritoneal cavity;
- (B) second means for determining the volume of fluid in the peritoneal cavity while dialysis fluid is flowed through the subject's peritoneal cavity, said second means comprising means for performing a bioimpedance measurement directed at the peritoneal cavity; and
- (C) third means for controlling the first means based on the volume of fluid in the peritoneal cavity determined by the second means.

**Claim 29 (original):** The apparatus of Claim 28 wherein the means for performing a bioimpedance measurement directed at the peritoneal cavity comprises:

- (a) measuring electrodes  $M_{LL}$  and  $M_{RL}$  for placement on the loins of the subject,  $M_{LL}$  to be placed on the left loin and  $M_{RL}$  to be placed on the right loin such that, when so placed,  $M_{LL}$  and  $M_{RL}$  define a loin plane;
- (b) measuring electrodes  $M_{LB}$  and  $M_{RB}$  for placement on the buttocks of the subject,  $M_{LB}$  to be placed on the left buttock and  $M_{RB}$  to be placed on the right buttock such that, when so placed,  $M_{LB}$  and  $M_{RB}$  define a buttock plane;
- (c) upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  for placement on the subject;
- (d) lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  for placement on the subject;
- (e) means for connecting upper current-providing electrode  $I_{LU}$  to upper current-providing electrode  $I_{RU}$ ;
- (f) means for connecting lower current-providing electrode  $I_{LL}$  to lower current-providing electrode  $I_{RL}$ ;
- (g) means for applying a current  $I$  between the connected upper current-providing electrodes and the connected lower current-providing electrodes;

-12-

- (h) means for measuring the voltage  $\Phi_L$  between  $M_{LL}$  and  $M_{LB}$  while current I is applied;
- (i) means for measuring the voltage  $\Phi_R$  between  $M_{RL}$  and  $M_{RB}$  while current I is applied; and
- (j) means for determining the volume V of fluid in the peritoneal cavity based on the equation:

$$V = (K_p/\sigma) \cdot (L_p^2/R)$$

where:

- (1)  $K_p$  is a subject-specific calibration constant;
- (2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;
- (3)  $L_p$  is the distance between the loin plane and the buttock plane; and
- (4) R is the average of  $R_L$  and  $R_R$ , where

$$R_L = \Phi_L/I, \text{ and}$$

$$R_R = \Phi_R/I.$$

**Claim 30 (original):** The apparatus of Claim 28 wherein the third means controls the ultrafiltration rate of the first means.

**Claim 31 (original):** The apparatus of Claim 28 wherein the third means controls the rate at which the first means flows dialysis fluid through the subject's peritoneal cavity.

**Claim 32 (original):** The apparatus of Claim 28 wherein the third means controls the composition of the dialysis fluid which the first means flows through the subject's peritoneal cavity.

**Claim 33 (original):** The apparatus of Claim 28 wherein the third means includes means for determining the conductivity of the dialysis fluid removed from the subject by the first means.

-13-

**Claim 34 (currently amended):** An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for:

(a) determining the volume V of fluid in the peritoneal cavity of a subject by performing step (j) of Claim 1, based on the equation:

$$\underline{V = (K_p/\sigma) \cdot (L_p^2/R)}$$

where:

(1)  $K_p$  is a subject-specific calibration constant;

(2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;

(3)  $L_p$  is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes  $M_{LL}$  and  $M_{RL}$  placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes  $M_{LB}$  and  $M_{RB}$  placed on the subject's left and right buttocks, respectively; and

(4)  $R$  is the average of  $R_L$  and  $R_R$ , where

(i)  $R_L = \Phi_L/I$ ,

(ii)  $R_R = \Phi_R/I$ , and

(iii)  $I$  is an applied current between connected upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  and connected lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  placed on the subject with  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$ ,  $I_{RU}$  being outboard of measuring electrode  $M_{RL}$ ,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ , and

(iv)  $\Phi_L$  and  $\Phi_R$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, while current  $I$  is applied; and

(b) displaying the value of the calculated volume  $V$  to the subject and/or to a care provider and/or controlling the flow of dialysis fluid through the subject's peritoneal cavity using the calculated volume  $V$ .

-14-

**Claim 35 (currently amended):** An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for:

(a) determining the volume of fluid in the peritoneal cavity of a subject by performing step (iii) of Claim 2, determining a subject-specific calibration constant  $K_p$  from the equation:

$$K_p = (\sigma_C) \cdot (V_C / L_p^2) \cdot (R_B R_A) / (R_B - R_A)$$

where

(i)  $R_B = (\Phi_{LB} + \Phi_{RB}) / (2I);$

(ii)  $R_A = (\Phi_{LA} + \Phi_{RA}) / (2I);$

(iii)  $V_C$  and  $\sigma_C$  are, respectively, the volume and conductivity of a predetermined volume of dialysis fluid;

(iv)  $L_p$  is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes  $M_{LL}$  and  $M_{RL}$  placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes  $M_{LB}$  and  $M_{RB}$  placed on the subject's left and right buttocks, respectively;

(v)  $I$  is an applied current between connected upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  and connected lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  placed on the subject with  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$ ,  $I_{RU}$  being outboard of measuring electrode  $M_{RL}$ ,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ ,

(vi)  $\Phi_{LB}$  and  $\Phi_{RB}$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, obtained before introduction of the predetermined volume of dialysis fluid into the subject's peritoneal cavity and while current  $I$  is applied; and

(vii)  $\Phi_{LA}$  and  $\Phi_{RA}$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, obtained after introduction of the predetermined

-15-

volume of dialysis fluid into the subject's peritoneal cavity and while current I is applied; and

(b) displaying the value of the calculated subject-specific calibration constant  $K_P$  to the subject and/or to a care provider and/or controlling the flow of dialysis fluid through the subject's peritoneal cavity using the calculated subject-specific calibration constant  $K_P$ .

**Claim 36 (currently amended):** An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for:

(a) determining the volume of fluid in the peritoneal cavity of a subject by performing step (v) of Claim 4, determining a subject-specific calibration constant  $K_P$  from the equation:

$$K_P = (\sigma_C) \cdot (V_C/L_P)^2 \cdot (R_B R_A) / (R_B - R_A)$$

where

(i)  $R_B = (\Phi_{LB} + \Phi_{RB}) / (2I)$ ;

(ii)  $R_A = (\Phi_{LA} + \Phi_{RA}) / (2I)$ ;

(iii)  $L_P$  is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes  $M_{LL}$  and  $M_{RL}$  placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes  $M_{LB}$  and  $M_{RB}$  placed on the subject's left and right buttocks, respectively;

(iv)  $I$  is an applied current between connected upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  and connected lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  placed on the subject with  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$ ,  $I_{RU}$  being outboard of measuring electrode  $M_{RL}$ ,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ .

(v)  $\Phi_{LB}$  and  $\Phi_{RB}$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, obtained after introduction of dialysis fluid into the subject's peritoneal cavity and while current  $I$  is applied;

-16-

(vi)  $\Phi_{LA}$  and  $\Phi_{RA}$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, obtained after removal of fluid from the subject's peritoneal cavity and while current  $I$  is applied; and

(vii)  $V_C$  and  $\sigma_C$  are, respectively, the volume and conductivity of the fluid removed from the subject's peritoneal cavity; and

(b) displaying the value of the calculated subject-specific calibration constant  $K_p$  to the subject and/or to a care provider and/or controlling the flow of dialysis fluid through the subject's peritoneal cavity using the calculated subject-specific calibration constant  $K_p$ .

**Claim 37 (currently amended):** Apparatus comprising a computer which has been programmed to:

(a) determine the volume  $V$  of fluid in the peritoneal cavity of a subject by performing step (j) of Claim 1, based on the equation:

$$V = (K_p/\sigma) \cdot (L_p^2/R)$$

where:

(1)  $K_p$  is a subject-specific calibration constant;  
 (2)  $\sigma$  is the conductivity of the fluid in the peritoneal cavity;  
 (3)  $L_p$  is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes  $M_{LL}$  and  $M_{RL}$  placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes  $M_{LB}$  and  $M_{RB}$  placed on the subject's left and right buttocks, respectively; and

(4)  $R$  is the average of  $R_L$  and  $R_R$ , where  
 (i)  $R_L = \Phi_L/I$ ,  
 (ii)  $R_R = \Phi_R/I$ , and  
(iii)  $I$  is an applied current between connected upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  and connected lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$

placed on the subject with  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$ ,  $I_{RU}$  being outboard of measuring electrode  $M_{RL}$ ,  $I_{RL}$  being outboard of measuring electrode  $M_{RB}$  and  $I_{LL}$  being outboard of measuring electrode  $M_{LB}$ , and

(iv)  $\Phi_L$  and  $\Phi_R$  are measured voltages between  $M_{LL}$  and  $M_{LB}$  and between  $M_{RL}$  and  $M_{RB}$ , respectively, while current  $I$  is applied; and

(b) display the value of the calculated volume  $V$  to the subject and/or to a care provider and/or control the flow of dialysis fluid through the subject's peritoneal cavity using the calculated volume  $V$ .

**Claim 38 (currently amended):** Apparatus comprising a computer which has been programmed to:

(a) determine the volume of fluid in the peritoneal cavity of a subject by performing step (iii) of Claim 2, determining a subject-specific calibration constant  $K_P$  from the equation:

$$K_P = (\sigma_C) \cdot (V_C / L_P)^2 \cdot (R_B R_A) / (R_B - R_A)$$

where

$$(i) R_B = (\Phi_{LB} + \Phi_{RB}) / (2I);$$

$$(ii) R_A = (\Phi_{LA} + \Phi_{RA}) / (2I);$$

(iii)  $V_C$  and  $\sigma_C$  are, respectively, the volume and conductivity of a predetermined volume of dialysis fluid;

(iv)  $L_P$  is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes  $M_{LL}$  and  $M_{RL}$  placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes  $M_{LB}$  and  $M_{RB}$  placed on the subject's left and right buttocks, respectively;

(v)  $I$  is an applied current between connected upper current-providing electrodes  $I_{LU}$  and  $I_{RU}$  and connected lower current-providing electrodes  $I_{RL}$  and  $I_{LL}$  placed on the subject with  $I_{LU}$  being outboard of measuring electrode  $M_{LL}$ ,  $I_{RU}$  being

-18-

outboard of measuring electrode M<sub>RL</sub>, I<sub>RL</sub> being outboard of measuring electrode M<sub>RB</sub> and I<sub>LL</sub> being outboard of measuring electrode M<sub>LB</sub>,

(vi) Φ<sub>LB</sub> and Φ<sub>RB</sub> are measured voltages between M<sub>LL</sub> and M<sub>LB</sub> and between M<sub>RL</sub> and M<sub>RB</sub>, respectively, obtained before introduction of the predetermined volume of dialysis fluid into the subject's peritoneal cavity and while current I is applied; and

(vii) Φ<sub>LA</sub> and Φ<sub>RA</sub> are measured voltages between M<sub>LL</sub> and M<sub>LB</sub> and between M<sub>RL</sub> and M<sub>RB</sub>, respectively, obtained after introduction of the predetermined volume of dialysis fluid into the subject's peritoneal cavity and while current I is applied; and

(b) display the value of the calculated subject-specific calibration constant K<sub>P</sub> to the subject and/or to a care provider and/or control the flow of dialysis fluid through the subject's peritoneal cavity using the calculated subject-specific calibration constant K<sub>P</sub>.

**Claim 39 (currently amended):** Apparatus comprising a computer which has been programmed to:

(a) determine the volume of fluid in the peritoneal cavity of a subject by performing step (v) of Claim 4, determining a subject-specific calibration constant K<sub>P</sub> from the equation:

$$K_P = (\sigma_C) \cdot (V_C / L_P)^2 \cdot (R_B R_A) / (R_B - R_A)$$

where

(i) R<sub>B</sub> = (Φ<sub>LB</sub> + Φ<sub>RB</sub>) / (2I);

(ii) R<sub>A</sub> = (Φ<sub>LA</sub> + Φ<sub>RA</sub>) / (2I);

(iii) L<sub>P</sub> is the distance between a loin plane and a buttock plane of the subject, the loin plane being established by the locations of measuring electrodes M<sub>LL</sub> and M<sub>RL</sub> placed on the subject's left and right loins, respectively, and the buttock plane being established by measuring electrodes M<sub>LB</sub> and M<sub>RB</sub> placed on the subject's left and right buttocks, respectively;

-19-

(iv) I is an applied current between connected upper current-providing electrodes I<sub>LU</sub> and I<sub>RU</sub> and connected lower current-providing electrodes I<sub>RL</sub> and I<sub>LL</sub> placed on the subject with I<sub>LU</sub> being outboard of measuring electrode M<sub>LL</sub>, I<sub>RU</sub> being outboard of measuring electrode M<sub>RL</sub>, I<sub>RL</sub> being outboard of measuring electrode M<sub>RB</sub> and I<sub>LL</sub> being outboard of measuring electrode M<sub>LB</sub>,

(v)  $\Phi_{LB}$  and  $\Phi_{RB}$  are measured voltages between M<sub>LL</sub> and M<sub>LB</sub> and between M<sub>RL</sub> and M<sub>RB</sub>, respectively, obtained after introduction of dialysis fluid into the subject's peritoneal cavity and while current I is applied;

(vi)  $\Phi_{LA}$  and  $\Phi_{RA}$  are measured voltages between M<sub>LL</sub> and M<sub>LB</sub> and between M<sub>RL</sub> and M<sub>RB</sub>, respectively, obtained after removal of fluid from the subject's peritoneal cavity and while current I is applied; and

(vii) V<sub>C</sub> and  $\sigma_C$  are, respectively, the volume and conductivity of the fluid removed from the subject's peritoneal cavity; and

(b) display the value of the calculated subject-specific calibration constant K<sub>P</sub> to the subject and/or to a care provider and/or control the flow of dialysis fluid through the subject's peritoneal cavity using the calculated subject-specific calibration constant K<sub>P</sub>.

**Claim 40 (previously presented):** The method of Claim 12 wherein in step (B), the bioimpedance measurement employs measuring electrodes located in the subject's loin and buttock regions.